

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 49 (2017)

A BILL FOR AN ORDINANCE

RELATING TO SPONSORSHIPS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address the sponsorship of city assets.

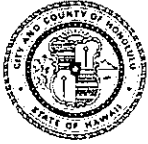
SECTION 2. Section 2-____.1, Revised Ordinances of Honolulu 1990, as enacted in Section 2 of Ordinance 17-____, is amended to read as follows:

"Sec. 2-____.1 Declaration of legislative intent — purpose.

In an effort to utilize and maximize the community's resources, it is in the best interest of the city to create and enhance relationships with the private sector, including individuals, corporations and other organizations, through commercial sponsorships. Sponsorship arrangements are deemed not to constitute a public forum for communication and debate. The rights established by the sponsorships are established and retained at the city's discretion. Sponsorships will create alternate revenue streams that will increase the city's ability to deliver services and to maintain city assets, including its facilities, parks, programs, equipment, and tangible property, and provide enhanced levels of service and maintenance beyond the core levels funded from the city's general fund for the benefit of users and the community at large.

In appreciation of such support, it is the policy of the city to provide sponsors with suitable acknowledgement of their contribution. However, such recognition should adhere to the aesthetic values and purposes of the city's assets. In addition, such recognition should not detract from the public's experience or expectation, nor should it impair the visual qualities of the city asset or be perceived as creating a proprietary interest. Sponsorship recognition must conform to all applicable laws and rules[], including but not limited to HRS Chapter 445, Part IV, pertaining to outdoor advertising, including billboards, and Chapter 21, Article 7, pertaining to sign regulations.

The purpose of this article is to establish the criteria and parameters for the granting of sponsorship opportunities in relation to city assets. This article provides executive agencies the authority to consider and approve sponsorship opportunities for a person that has provided a financial contribution to support a city asset."



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SECTION 3. Section 2-____.2, Revised Ordinances of Honolulu 1990 ("Definitions"), as enacted in Section 2 of Ordinance 17-____, is amended by adding a new definition of "pohaku" to read as follows:

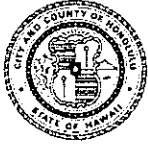
"Pohaku" means a stone that is no larger than seven feet in length by four feet in height."

SECTION 4. Section 2-____.4, Revised Ordinances of Honolulu 1990 ("Authorization required"), as enacted in Section 2 of Ordinance 17-____, is amended by amending subsection (b) to read as follows:

- "(b) The city possesses sole and final decision-making authority for determining the appropriateness of a sponsorship and reserves the right to refuse to enter into any proposed sponsorship agreement. Approval of proposals will be subject to the following guidelines:
- (1) A director of an executive agency shall have the authority to enter into a sponsorship agreement, pursuant to the rules to be adopted under Section 2-____.6, that is for:
 - (A) A term of less than [~~five years~~] one year; and
 - (B) A financial contribution of less than [~~\$50,000~~] \$10,000;
 - (2) All sponsorship agreements [~~for a financial contribution of \$50,000~~] that, in the aggregate for a city asset or in the aggregate for a sponsor, total \$10,000 in financial contributions or more must be approved by a resolution adopted by the city council; and
 - (3) All sponsorship agreements for a period of [~~five years~~] one year or more must be approved by a resolution adopted by the city council."

SECTION 5. Section 2-____.7, Revised Ordinances of Honolulu 1990 ("Sponsorship requirements"), as enacted in Section 2 of Ordinance 17-____, is amended by amending subsection (a) to read as follows:

- "(a) The following requirements apply to all sponsorship agreements:
- (1) The city shall not relinquish any aspect of the city's right to direct, manage and control the city asset;



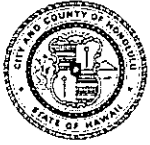
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- (2) Sponsorship recognition, publications, and publicity must conform to all applicable laws and rules, including but not limited to HRS Chapter 445, Part IV, pertaining to outdoor advertising, including billboards, and Chapter 21, Article 7, pertaining to sign regulations;
- (3) The sponsorship must not create a conflict of interest for the city;
- (4) The sponsorship must not confer a personal benefit, directly or indirectly, to any particular city officer or employee;
- (5) Sponsorships shall not be deemed to constitute an endorsement of the sponsor or its services and products, or create any proprietary interest of the sponsor in the city or the city assets;
- (6) No materials, communications, or advertisements including, but not limited to, print, video, internet, broadcast, or display items developed to promote or communicate the sponsorship, may use the city's name, seal, or logo without express prior written approval from the city;
- (7) Any physical form of sponsorship recognition [~~must blend~~]:
 - (A) Must blend in with the surrounding environment;
 - (B) Must preserve and protect the Hawaiian sense of place;
 - (C) Must not obstruct any view planes;
 - (D) Must be respectful and representative of State of Hawaii's unique culture;
 - (E) Will be limited to a plaque if the sponsorship recognition is located within a city park. The plaque must be:
 - (i) Attached to a pohaku;
 - (ii) No bigger than the size of the pohaku; and
 - (iii) Made of nonreflective metal or wood; and
 - (F) Must not include lights or be directly illuminated.



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- (8) The sponsorship must not discriminate against any person on the basis of race, color, creed, religion, sex, including gender identity and expression, sexual orientation, age, marital status, ancestry, national origin, or disability;
- (9) Sponsorship recognition, branding, publicity, and advertising in conjunction with the sponsorship agreement must not contain the following:
 - (A) Obscenity;
 - (B) Pornography;
 - (C) Incitement to imminent lawless action;
 - (D) Speech presenting a grave and imminent threat;
 - (E) Fighting words;
 - (F) Fraudulent material;
 - (G) True threats;
 - (H) Defamatory, libelous, or slanderous material;
 - (I) Solicitations to commit, or speech integral to, criminal conduct;
 - (J) The promotion of drugs, alcohol, tobacco, gambling, or adult entertainment;
 - (K) Political campaign speech, or speech that supports or opposes or appears to support or oppose a ballot measure or initiative, or refers to any person in or campaigning for public office; or
 - (L) Religious speech that advocates or opposes a religion or religious belief;
- (10) Each sponsorship agreement must specify whether the sponsorship for a particular asset will be exclusive or non-exclusive;
- (11) Sponsorship recognition may include the following, or any combination thereof, during the term of the agreement:



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- (A) Recognition of the sponsor for a specific city program;
 - (B) Appropriate mention in media releases and promotional materials of a sponsor for the city program;
 - (C) Appropriate sponsorship recognition or display at the city program location;
 - (D) Appropriate recognition on the program website as a sponsor for the program; or
 - (E) Other possible benefits as negotiated;
- (12) Sponsors shall defend, indemnify, and hold harmless the city, its officers, agents, and employees against all liability, loss, damage, cost, and expense, including attorneys' fees, arising out of or resulting from the acts or omissions of the sponsor, its directors, employees, officers, agents, or contractors, in connection with the sponsorship and the sponsorship agreement;
- (13) Sponsorships may be terminated in writing at any time during the term of the sponsorship agreement when, in the sole determination of the city, the sponsorship is no longer in the best interest of the city;
- (14) The city retains its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of sponsorship recognitions, affiliations, and messages; and
- (15) Sponsorship materials that advocate, contain price information or an indication of associated savings or value, request a response, or contain comparative or qualitative descriptions of products, services, or organizations are prohibited."

SECTION 6. Ordinance material to be repealed is bracketed and stricken and new ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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SECTION 7. This ordinance takes effect upon its approval.

INTRODUCED BY:

H. J. Amato
Ann H. Kobayashi

DATE OF INTRODUCTION:

MAY 4 2017

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu